

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRYSTAL MOTOR EXPRESS, INC.,)	
)	
<i>Plaintiff,</i>)	
v.)	CIVIL ACTION
)	NO. 04-11450-RGS
TOWN OF LYNNFIELD,)	
)	
<i>Defendant.</i>)	
)	

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Now comes the Plaintiff, Crystal Motor Express, Inc. ("Crystal"), pursuant to Fed. R. Civ. P. 37., and moves to compel the defendant Town of Lynnfield ("town"): (a) to produce its insurance policy or policies under which it may be liable to satisfy a judgment in this matter; (b) to produce documents and testify as to matters for which the town has asserted an attorney-client privilege. In support hereof, the Plaintiff attaches a memorandum of law.

WHEREFORE, Crystal respectfully requests that this motion to compel be allowed, and that the town be ordered to pay Crystal's expenses including its counsel fees incurred in bringing this motion.

Local Rule 7.1(A)(2) Certification

The undersigned counsel for Plaintiff certifies that he has conferred with Defendant's counsel, John Cloherty, and has attempted in good faith to resolve or narrow the issue herein; and, that Defendant's counsel has requested until September 2, 2005 in which to respond to the within motion, which is assented to by counsel for Plaintiff.

CRYSTAL MOTOR EXPRESS, INC. and
RONALD E. MASIELLO, TRUSTEE OF
CRYSTAL LAND INVESTMENT TRUST

By their attorneys,

August 11, 2005

\s\ Edward V. Colbert III
Wesley S. Chused (BBO#083520)
Edward V. Colbert III (BBO#566187)
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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2005 I served the foregoing pleading upon all parties hereto electronically, via facsimile or by mailing a copies thereof, via first class mail, properly addressed, to:

John J. Cloherty, Esq.
Pierce, Davis & Perritano, LLP
Ten Winthrop Square
Boston, MA 02110

\s\ Edward V. Colbert III
Edward V. Colbert III